

SAMUEL F. GALICI CSB# 102496  
LAW OFFICES OF SAMUEL F. GALICI  
1190 S. Victoria Ave., Suite 204  
Ventura, CA 93003-6569  
Phone: (805) 654-1451; Fax: (805) 654-1453  
[sgalici@EmployeeLawyers.net](mailto:sgalici@EmployeeLawyers.net)

Attorneys for Plaintiff CAROL BROWN

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CAROL BROWN,

Plaintiff,

vs.

JOHN E. POTTER, as Postmaster  
General, et al.,

Defendants,

Case No. CV08-03095- MMM (MANx)

**STIPULATION FOR MODIFICATION  
OF SCHEDULING ORDER TO  
CONTINUE DATE FOR JURY TRIAL  
AND PRETRIAL CUTOFF DATES**

IT IS HEREBY STIPULATED AND AGREED by and between plaintiff, Carol Brown, by and through her attorney, Samuel F. Galici, and defendant, John E. Potter, as Postmaster General, by and through his attorney, Alarice M. Medrano, Assistant United States Attorney, that the Scheduling Order in this action be modified to provide for a continuance of the trial date to January 25, 2009, Pretrial Conference to November 23, 2009 and motion and fact/expert discovery cutoff to November 16, 2009. The Stipulation is based on the following facts:

1. On May 12, 2008, plaintiff filed her complaint in this action.
2. On August 12, 2008, defendant filed an Answer to the Complaint.
3. On August 11, 2008, plaintiff filed a First Amended Complaint.

1           4.     On September 19, 2008, defendant filed its Answer to First Amended  
2 Complaint.

3           5.     On November 10, 2008, the parties appeared for the Scheduling Conference.

4           6.     On November 25, 2008, plaintiff filed a separate action against defendant,  
5 case no. CV 08-07811 DSF (SHx).

6           7.     On December 4, 2008, plaintiff filed a Motion for Consolidation and Merger  
7 of this action with the new action.

8           8.     On December 5, 2008, the Court issued an Order to Show Cause Why  
9 Actions Should Not Be Consolidated along with an Order Re Transfer Pursuant to  
10 General Order 08-05.

11          9.     On December 10, 2008, the parties filed a Stipulation to Consolidate  
12 Actions.

13          10.    On December 10, 2009, the Court entered an Order Approving Joint  
14 Stipulation Consolidating Cases.

15          11.    On December 22, 2009, the Court issued the Scheduling Order providing for  
16 a bench trial set for November 3, 2009.

17          12.    On January 22, 2009, plaintiff filed a Second Amended Complaint  
18 incorporating all of plaintiff's allegations in the First Amended Complaint in this action  
19 with the Consolidated Complaint.

20          13.    February 20, 2009, defendant filed its Answer to the Second Amended  
21 Complaint.

22          14.    On April 24, 2009, plaintiff's counsel sought a stipulation as to several  
23 matters for modification of the Scheduling Order and Assistant U.S. Attorney Ira A.  
24 Daves, was out on sick leave, and his supervisor, James Sullivan, agreed to stipulate at  
25 that time to extend the fact discovery cutoff date but proposed that we "wait" on the other  
26 matters.  
27  
28

1           15. As of this date, Ira A. Daves remains on sick leave, but Alarice M. Medrano,  
2 has assumed his duties in his absence and stipulated to to amend the Scheduling Order to  
3 provide for a jury trial in this action.

4           16. On June 17, 2009, the parties filed a Stipulation for Modification of  
5 Scheduling Order to Provide for Trial by Jury (Document No. 33.)

6           17. On June 23, 2009, the court entered and Order granting the Document No.  
7 33 stipulation and this action is now set for jury trial on November 3, 2009.

8           18. The parties have been diligent in pursuing discovery, as follows:

- 9           a. On October 31, 2008, defendant served a first set of 22 Interrogatories.
  - 10           b. On January 30, 2009, plaintiff served her responses to defendant's first  
11           set of interrogatories.
  - 12           c. On November 8, 2008, defendant served his Initial Disclosures
  - 13           d. On November 10, 2008, plaintiff served her Initial Disclosures.
  - 14           e. On November 10, 2008, defendant served a first production demand  
15           containing 134 production demands.
  - 16           f. On January 9, 2009, defendant served his First Revised/Supplemental  
17           Disclosures listing additional witnesses and producing 764 pages of  
18           documents.
  - 19           g. On January 28, 2009, defendant served his Second Revised/Supplemental  
20           Disclosures listing additional witnesses and producing 749 pages of  
21           additional documents.
  - 22           h. On March 2, 2009, plaintiff responded to defendant's first production  
23           request and produced almost 800 pages of documents.
  - 24           i. On March 5, 2009, defendant served a second set of production demands  
25           containing 177 production demands.
  - 26           j. On May 26, 2009, plaintiff responded to defendant's second production  
27           demand and produced additional documents.
- 28

- 1 k. On May 27, 2009, Alarice M. Medrano was assigned to this case while  
2 Mr. Daves is out ill.
- 3 l. On June 22, 2009, after Ms. Medrano had become somewhat acquainted  
4 with this case, she and plaintiff's counsel had a telephone conference to  
5 plan remaining discovery, particularly the taking of depositions.  
6 Plaintiff's deposition as agreed to be taken first on July 28, 2009.  
7 Plaintiff indicated that he wished to take the following depositions on the  
8 following dates.
- 9 i. Candi Palencia, July 29, morning
  - 10 ii. Becky Joy, July 29 afternoon
  - 11 iii. Charles Kwang, July 30 morning
  - 12 iv. Margaret Tipple, July 30 morning
  - 13 v. La Donna Chapman, July 31 morning
  - 14 vi. John Puskas, August 17
  - 15 vii. Rule 30(b)(6) deposition, August 19.
- 16 m. On July 3, 2009, Ms. Medrano informed plaintiff's counsel:
- 17 i. Margaret Tipple is retired and efforts are being made to locate her
  - 18 ii. John Puskas is on medical leave for approximately 2 months. He is  
19 the Postmaster at the Bellflower Post Office and from plaintiff's  
20 perspective is the most important adverse witness in this action.

21 19. On July 8, 2009, plaintiff served her designation of expert witnesses,  
22 designating four (4) expert witnesses. On July 9, 2009, defendant served a designation of  
23 an expert witness. The parties are currently working on a stipulation for a medical  
24 examination of plaintiff pursuant to Rule 35 and will schedule the medical examination  
25 within the next 45 days.

26 20. Mediation in this action is set for August 10, 2009.  
27  
28

1        21. Plaintiff's counsel has a 7-day jury trial scheduled to start on July 13, 2009  
2 but was informed by the Presiding Judge last week that the trial is most likely to trail for  
3 10 court days, resulting in the trial taking place at the end of July.

4        22. In this action, the expert and fact discovery cutoff date is September 21,  
5 2009 and the Pretrial Conference is set for October 5, 2009 and the trial is set for  
6 November 3, 2009.

7        23. Plaintiff's counsel has trials set for September 14, 2009 for 7 days, on  
8 December 1, 2009 for 5-7 days and December 8, 2009 for 7-10 days. He also has planned  
9 vacations for August 20 through September 5, 2009 and December 18, 2009 through  
10 January 3, 2009.

11        24. It remains unclear whether Mr. Daves will return to work as scheduled  
12 within the next month and/or resume handling of this case in lieu of Ms. Medrano. Ms.  
13 Medrano is diligently working on the case in the meantime, but also has trials scheduled  
14 on October 6, 2009 [*Collins v. Potter*, ED CV 07-1572 SGL (JCRx)] and December 1,  
15 2009 [*Sandoval v. Gates*, CV 08-4704 CAS (RZx)].

16        25. Due to the need for additional time for discovery, the parties seek a  
17 continuance of the trial date to January 25, 2009, Pretrial Conference to November 23,  
18 2009 and motion and fact/expert discovery cutoff to November 16, 2009.

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 WHEREFORE, the parties request that this Stipulation be made an Order of this  
2 Court.

3 LAW OFFICES OF SAMUEL F. GALICI  
4 Attorneys for Plaintiff

5  
6 Dated: June 10, 2009

7 By: Samuel F. Galici  
8 SAMUEL F. GALICI

9 THOMAS P. O'BRIEN  
10 United States Attorney  
11 LEON W. WEIDMAN  
12 Assistant United States Attorney  
13 Chief, Civil Division  
14 IRA A. DAVES  
15 Assistant United States Attorney  
16 ALARICE M. MEDRANO  
17 Assistant United States Attorney  
18 Attorneys for Defendant John E. Potter,  
19 Postmaster General

20  
21  
22  
23  
24  
25  
26  
27  
28  
Dated: June 10, 2009

By: Alarice M. Medrano  
ALARICE M. MEDRANO